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Attorney for Defendant  
NEHEMIAH AVILA

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
NEHEMIAH AVILA,  
  
Defendant.

Case No.: 2:21-cr-020 JAM

STIPULATION AND ~~PROPOSED~~ ORDER  
MODIFYING DEFENDANT'S SPECIAL  
CONDITIONS OF RELEASE TO REPLACE  
HOME CONFINEMENT REQUIREMENT  
WITH A CURFEW

Defendant Nehemiah Avila was released on pre-trial conditions following a hearing on a renewed bail motion held before Chief United States Magistrate Judge Kendall J. Newman on June 9, 2023. Special Condition of Release 15 (ECF Docket Entry 79) requires Nehemiah Avila to participate in an electronic monitoring location program. Special Condition 16 imposes a "Home Detention" condition requiring Nehemiah Avila to "remain inside [his] residence at all times except for employment; education; religious services; medical; substance abuse; or mental

ORDER MODIFYING PRE-TRIAL  
RELEASE CONDITIONS

1 health treatment; attorney visits; court appearances; court ordered obligations; or other essential  
2 activities pre-approved by the pretrial services officer.” (Special Condition Number 16, ECF  
3 Entry 79, hereafter referred to as the “Home Detention condition”). Special Condition 16 further  
4 defines what constitutes an “essential activity.”  
5

6 The parties to this action, Plaintiff United States of America by and through Assistant  
7 United States Attorney Adrian Kinsella, and Defendant Nehemiah Avila by and through his  
8 attorney Todd D. Leras, stipulate as follows:

- 9 1. Mr. Avila is supervised for compliance with his pre-trial release conditions by  
10 Pretrial Services Intensive Supervision Specialist Lorena Gallagher. Ms. Gallagher  
11 confirmed via email exchange with defense counsel and the prosecutor that, based on  
12 Mr. Avila’s overall compliance, she was unopposed to converting the Home  
13 Detention condition into a curfew. She indicated that Nehemiah Avila is working  
14 Monday through Friday, participates in Moral Reconation Therapy, attends weekly  
15 counseling sessions in person, submits to random drug testing twice each month,  
16 participates in community service on Saturdays, and attends church on Sundays.  
17
- 18 2. The government and defense counsel have no objection to modification of Special  
19 Condition Number 16 to remove the Home Detention condition and replace it with a  
20 curfew (hereafter the “Curfew condition”). The Curfew condition shall be monitored  
21 via the previously imposed electronic monitoring requirement which remains in  
22 place.  
23  
24

25 The parties therefore request modification of Mr. Avila’s Special Conditions of Release  
26 to remove the Home Detention condition and replace it with a Curfew condition . Special  
27

1 Condition 16 should be modified to read as follows:

2 15. **CURFEW.** You shall remain inside your residence Monday through Friday from 8  
3 p.m. to 6 a.m., and Saturday and Sunday from 6:00 p.m. to 8:00 a.m. All other general and  
4 special conditions of release previously ordered shall remain in full force and effect.  
5

6 Assistant U.S. Attorney Adrian Kinsella has reviewed this stipulation and proposed order  
7 and authorized (via email) Todd Leras to sign it on his behalf.  
8

9 DATED: September 15, 2023

10 By /s/ Todd D. Leras for  
11 ADRIAN KINSELLA  
Assistant United States Attorney

12 DATED: September 15, 2023

13 By /s/ Todd D. Leras  
14 TODD D. LERAS  
Attorney for Defendant  
15 NEHEMIAH AVILA  
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28 ORDER MODIFYING PRE-TRIAL  
RELEASE CONDITIONS


**ORDER**

BASED ON THE REPRESENTATIONS AND STIPULATION OF THE PARTIES, it is hereby ordered that Special Condition of Release Number 16, imposing Home Detention be removed (ECF Docket Entry 79) and replaced with the Curfew set out in the Stipulation between the parties.

All other general and special conditions of release imposed by this Court as to Defendant Nehemiah Avila shall remain in full force and effect.

IT IS SO ORDERED.

DATED: September 19, 2023

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE

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